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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/479,999	01/10/2000	LEE EVEN NAKAMURA	A7631/ST9-97	3788

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EXAMINER
HUYNH, CONG LAC T

ART UNIT	PAPER NUMBER
2178	

DATE MAILED: 03/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _09 January 2003_ .

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _7-12 and 27-31_ is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _7-12 and 27-31_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

　　If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____ .

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

　　a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)　　　　4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)　　5) ☐ Notice of Informal Patent Application (PTO-152)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .　　6) ☐ Other: .

DETAILED ACTION

1.   This action is responsive to communications: request for reconsideration filed

1/9/03 of application filed on 01/10/00 which is a continuation of the application

08/892,842 filed on 7/11/97, now US Pat No. 6,178,433 B1.

2.   Claims 7-12, 27-31 are pending in the case. Claims 7, 11 and 27 are the

independent claims.

3.   The double patenting rejections of claims 7-12, 27-31 have been withdrawn in

view of the submission of the terminal disclaimer.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 7-12, 27-31 remain rejected under 35 U.S.C. 103(a) as being

unpatentable over Brown, *Using Netscape 2, Que Corporation*, pages 8-11, 163, 675-

679, 779 in view of Benedikt et al. (US Pat No. 5,966,535, 10/12/99, filed 12/7/95).

Regarding independent claim 7, Brown discloses:

■   generating a page of presentation material in response to a request for an

information, wherein the page is generated based on the first information layout

and includes the first information and does not contain the second information

(page 10, figure 1.4, when a user selects NFL from the list of items on the left

side and, only the information about NFL is displayed on the right side of the

page; the information of Cyberspace Showdown III or Raiders' Fan Wins

Contest! are not shown; figure 7.15, in response to a request for an information,

which is a link, on the list of people displayed on the left side, and only the

resume of the selected person Doug Folsom is displayed on the right side, the

resume of Carol Guttery is not shown on the right side)

Brown does not disclose defining in a single file a first variable and a second variable for

a first information and a second information, and defining in a single file a presentation

layout for each said information corresponding to the variables.

Benedikt discloses defining variables in the HTML code of a web document for different

data (col 8, lines 27-44; col 11, lines 2-15).

It would have been obvious to one of ordinary skill in the art at the time of the invention

was made to have combined Benedikt into Brown for defining variables for data in a

web page and referring said variables to the activities related to said data because of

the following reason. Brown shows the ability of displaying in response to a request for

an information based on the first information layout and includes the first information

and does not contain the second information, and Benedikt has the ability of defining

variables in HTML tags. Since it was well known in the art that a HTML tag includes

instructions that tell web browser *how to present a web document*, the fact that Brown

has the ability of displaying the first information upon a request in the presentation

layout where the presentation layout does not contain the second information suggests

that the tags in the HTML code of the web document include such variable definition as

well as referring the variables to the corresponding presentation layout to obtain the

result as disclosed in Brown.   Also, *the list on the left side as disclosed is considered as*

the topic outline of the web page, and the information displayed on the right side of the

web page is based on the user's selection from said list (page 163, figure 7.15).   This

suggests that all data selected from the list be included in a single file.

Regarding claims 8 and 10, which are dependent on claim 7, Brown discloses that said

page is World Web page for displaying on the web browser and the request, which is

actually a hyperlink, includes a uniform resource locator URL (page 10, figure 1.4; page

163, figure 7.15).

Regarding claim 9, which are dependent on claim 7, Brown discloses that the web

browser does not support a hypertext markup language frame tag (page 10, figure 1.4;

page 779, apply NOFRAMES for no frames-capable browsers).

Claims 11-12 are for a system of method claims 7-10, and are rejected under the same

rationale.

Claims 27-31 are for a system of method claims 7-10, and are rejected under the same

rationale.

Response to Arguments

6.   Applicant's arguments filed 1/9/03 have been fully considered but they are not

persuasive.

Regarding independent claim 7, Applicants argue that both figure 1.4 and figure 7.15 of

Brown do not disclose "generating a page of presentation material in response to a

request for said first information, wherein the page is generated based on the first

presentation layout and includes said first information and does not contain said second

information" (Remarks, page 2).

Examiner agrees that the two figures of Brown do not explicitly disclose generating a

page. However, figure 1.4 and figure 7.15 of Brown *display* a list of items, and in

response to a user's selection, only the content of the selected item is displayed.

That means the currently displayed page includes the first information (the selected

one) and does not include the second information.

 The display of the web pages as seen in the figures inherently teaches that a web page

with such a defined layout is *already generated*. Otherwise, the web page can not be

displayed as seen in the figures.

Applicants also argue that figure 1.4 of Brown does not disclose that the NFL selection

from the list of items on the left side of the page causes only information related to the

NFL to be displayed on the right side of the page. Applicants further argue that since

all the information on this web page – according to Applicants it is the NFL's home page

based on the page's URL -- is apparently related to the National Football League (NFL), to see further detailed information of the topics, one simply has to scroll down the display.

Examiner respectfully disagrees.

As seen on the left side of the page of figure 1.4, it is easy to recognize that there are some hyperlinks for different things such as Cyberspace Showdown III, Jim Kelly vs. Drew Blodsoe, Tuesday, Now.21, 9 pm ET, Raiders' Fan Wins Contest!, and the anchor This Week in the NFL. On the right side of the page is the display of the NFL homepage. As such, based on the selection of the NFL anchor on the left side, the NFL home page is displayed on the right side. The page's URL is of the currently displayed page on the right side, not the main page that include all the information including the hyperlinks mentioned above.

Accordingly, by scrolling down the display, more information about the NFL is displayed. The information about Cyberspace Showdown III or Raiders' Fan Wins Contest is not displayed.

Applicants argue that it is possible to use hyperlinks to link to additional information on *the same page* and by scrolling down the display, the information about Cyperspace Showdown III or Raiders' Fan Wins Contest! will be displayed.

Examiner agrees that it is possible to use hyperlinks to link to additional information on *the same page*. However, the hyperlinks on figure 1.4 *can not be the internal links*.

According to the order, the Cyberspace Showdown III and Raiders' Fan Wins Contest!

are _above_ the "This Week in the NFL." Therefore, the additional information contained

in Cyberspace Showdown III and Raiders' Fan Wins Contest! _can not be seen further_

down the page from the current display of the NFL section. Furthermore, if all of the

hyperlinks on left side are internal hyperlinks as argued and the web page displayed on

the right side includes the contents of all of the hyperlinks on the left side, then the scroll

bar should be longer to show the size of the page up to the currently displayed section,

which is the NFL, since the page on the right side should include all the contents of the

hyperlinks above the "This Week in the NFL." On the other hand, the scroll bar as seen

shows that information displayed on the right side is about half of the whole document.

Therefore, the scroll bar does not show the size of the main page that includes the

contents of all of the internal hyperlinks on the left side. Instead, the scroll bar shows

the size of the NFL page only, which is currently displayed on the right pane, in

response to the selection of the link "This week in the NFL." In other words, the display

on the right side includes only the content of the selected item, which is equivalent to

the first information, and does not contain the content of the non selected item, which is

the second information.

Applicants argue that figure 7.15 of Brown illustrates a framed web page and thus the

page has various problems associated with the frame-based approach such as

requiring a frame-capable web browser for displaying and each frame's information can

be stored in a separate file. Applicants further disclose that figure 7.15 does not teach

or suggest generation of a web page, as contrasted with the mere presentation of a web

page (or frame).

Examiner agrees that figure 7.15 is a framed web page that needs a frame-capable

browser to be displayed. However, Brown does provide the NOFRAMES tag (page

779) so that *browsers without frames capability can read and display a framed web*

page. Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention was made to have included the NOFRAMES tag into the HTML

code of the web page so that a framed web page would not be a problem to the web

browsers without frames capability anymore.

As seen in figure 7.15, each frame's information is not stored in a separate file. Brown

teaches "a program that makes *the resumes of list of people available* might have two

panes: one to display a list of people and another to display the resume of the currently

selected person" and "Figure 7.15 shows a web page that does the same thing as the

resume program. It has three frames: one that shows a list of people, another for the

resume of the currently selected individual, and a pane at the bottom to select a

category" (page 163). Since the program is for displaying the resumes of a list of

people available for recruiting, the resumes and the list of people should be stored in a

single file of the recruiting service.

Since the figure 7.15 shows the display of a page where the presentation of the page on

the right pane is in response to a user selection of one of the hyperlinks on the left

pane, figure 7.15 inherently shows generating a page with such a specific layout for

including the first information and does not contain the second information is performed.

Otherwise, there is no such a page for displaying.

Applicants argue that Benedikt, in combination with Brown, does not disclose "defining,

in a first portion of the single file, a first variable equal to first information and a second

variable equal to second information" and "defining, in a second portion of the single file,

first and second presentation layouts, wherein said first presentation layout includes

said first variable and said second presentation layout includes said second variable"

(Remarks, page 5).

Examiner agrees that Benedikt does not disclose the argued limitations.

However, Benedikt discloses defining variables in the HTML code of a web document

for different data (col 8, lines 27-44; col 11, lines 2-15). The variable feature in Benedikt

is to show that each data can have an associated variable defined for specifying the

particular data. Brown inherently shows generating of a page of presentation material

in response to a request for said first information, wherein the page is generated based

on the first presentation layout and includes said first information and does not contain

said second information. The variable feature of Benedikt, therefore, can be associated

with different information of Brown for specifying various data in performing different

functions in a specific programming method.

Conclusion

7.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

8.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Schumacher et al. (US Pat No. 5,933,841, 8/3/99, filed 5/17/96).

Schumacher et al. (US Pat No. 6,442,574 B1, 8/27/02, filed 4/29/99, priority 5/17/96).

Douglis et al. (US Pat No. 6,021,426, 2/1/00, filed 12/1/97).

Marcos et al. (US Pat No. 6,429,880 B2, 8/6/02, filed 4/25/01, priority 4/14/97).

9.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Cong-Lac Huynh whose telephone number is 703-305-

0432. The examiner can normally be reached on Mon-Fri (8:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Heather Herndon can be reached on 703-308-5186. The fax phone

numbers for the organization where this application or proceeding is assigned are 703-

746-7239 for regular communications and 707-746-7238 for After Final

communications.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is 703-305-

9000.

clh
3/19/03

HEATHER R. HERNDON
SUPERVISORY PATENT EXAMINER
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